

DEPARTMENT OF SOCIAL SERVICES

March 3, 2005

Regulation Package #0403-08

CDSS MANUAL LETTER NO. CWS-05-01

TO: HOLDERS OF THE CHILD WELFARE SERVICES MANUAL, DIVISION 31

Regulation Package #0403-08**Effective 2/16/05****Sections 31-206, and 31-503**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/ChildWelfa_613.htm.

In 2001, the Legislature enacted AB 1449, Chapter 463, Statutes of 2001, which added Section 17552 to the Family Code relating to child support services.

Prior to implementing AB 1449, the regulations required that a foster child's case be referred to the local child support agency. These amended regulations require the social worker to make a determination whether it is in the child's best interest to make a referral to the local child support agency and ensure that court dependent foster children and their families can reunite with the maximum support and stability, thereby enhancing the opportunity for family preservation, child safety and well-being.

These regulations were considered at the Department's public hearing held on September 17, 2003.

FILING INSTRUCTIONS

All new revisions are indicated by a vertical line in the left margin. Revisions shown in graphic screen will continue to be shown in that manner until new revisions are done to those pages. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Child Welfare Services Manual changes was CWS-04-01.

Page(s)**Replace(s)**

72 and 73
109 through 111.1
145 and 146

Pages 72 and 73
Pages 109 through 111
Pages 145 and 146

Attachments

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31-206	CASE PLAN DOCUMENTATION	31-206
	(Continued)	

- .352 If any of the required health and education information is not contained in the case plan, the case plan shall document where the information is located.
- .36 A plan which will ensure that the child will receive medical and dental care which places attention on preventive health service through the Child Health and Disability Prevention (CHDP) program, or equivalent preventive health services in accordance with the CHDP program's schedule for periodic health assessment.
 - .361 Each child in placement shall receive a medical and dental examination, preferably prior to, but not later than, 30 calendar days after placement.
 - .362 Arrangements shall be made for necessary treatment.
- .37 For each youth in placement 16 years of age or older, the case plan shall incorporate the Transitional Independent Living Plan (TILP) as specified in Section 31-236.
- .38 For each child for whom a dependency petition has been filed, the recommendation that the right of the parent(s)/guardian(s) to make education decisions be limited by the court pursuant to Welfare and Institutions Code Section 361(a), if applicable.
- .4 The social worker shall document in the child's case file the determination of whether it is in the best interest of the child to refer the child's case to the local child support agency and the basis for this determination in accordance with Section 31-503.
- .5 The case plan shall be considered complete only if all of the elements specified in Section 31-206 have been documented and the social worker's supervisor has signed and dated the case plan.
 - .51 The social worker may complete a single case plan for the family, provided that the planned services are individually identified for each person named in the case plan.
 - .52 If any of the elements specified in Section 31-206 are not immediately available, the social worker shall document in the case plan the following information:
 - .521 The social worker's attempts to obtain the information.
 - .522 The social worker's plan for obtaining the information including the time frame in which the information is expected to be obtained.

31-206	CASE PLAN DOCUMENTATION (Continued)	31-206
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NOTE: Authority Cited: Sections 10553, 10554, and 16501.1, Welfare and Institutions Code; and Section 17552, Family Code. Reference: Sections 358.1(e) 361, 361(b), 361.5, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16002, 16501, 16501.1(e), and 16507, Welfare and Institutions Code; 42 U.S.C. Sections 675(1) and 677; Sections 7901, 7911, 7911.1, 7912, and 17552, Family Code; and Sections 1502 and 1502(a)(8), Health and Safety Code.

31-210	CASE PLAN TIME FRAMES AND ADMINISTRATIVE REQUIREMENTS FOR CHILDREN FOR WHOM A DEPENDENCY PETITION HAS BEEN FILED	31-210
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- .1 Within 30 calendar days of the in-person investigation (i.e., first face-to-face contact) or initial removal, or by the date of the dispositional hearing, whichever comes first, the social worker shall:
 - .11 Complete and sign the case plan as specified in Section 31-206.
 - .12 Explain the purpose and the content of the case plan to the parent(s)/guardian(s) named in the case plan.
 - .13 Request the parent(s)/guardian(s) to sign the case plan as an indication of case plan approval and willingness to participate in service activities.
 - .131 If unable to obtain the signature of the parent(s)/guardian(s) as specified in Section 31-210.13, the county shall nevertheless provide services, but shall document in the case plan the reason(s) for the failure to obtain the signature of the parent(s)/guardian(s).
 - .14 Provide a copy of the completed case plan to the parent(s)/guardian(s).
 - .15 Obtain the signed and dated written approval of the social worker's supervisor on the case plan or the court report.
 - .151 The social worker's supervisor must sign the case plan or the court report in which the case plan is included prior to submission to the court or within 30 days of the initial removal or initial response, whichever occurs first.

**CHILD WELFARE SERVICES PROGRAM
SPECIAL REQUIREMENTS**

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CHAPTER 31-500 SPECIAL REQUIREMENTS

31-501 CHILD ABUSE AND NEGLECT REPORTING REQUIREMENTS 31-501

- .1 The county shall report child abuse as defined in Penal Code Section 11165.6, to law enforcement departments and the District Attorney's Office as specified in Penal Code Section 11166(g).
- .2 When the county receives a report of abuse that has allegedly occurred in a licensed facility, the county shall, as specified in Penal Code Sections 11166.1 and 11166.2, notify the licensing office with jurisdiction over the facility.
- .3 The county shall submit a report pursuant to Penal Code Section 11169 to the Department of Justice of every case it investigates of known or suspected child abuse that it has determined not to be unfounded as defined in Penal Code Section 11165.12.
 - .31 The county shall make information received from the Department of Justice available as specified in Penal Code Section 11170(b)(1).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 11165.12, 11165.6, 11166, 11166.1, 11166.2, 11169, and 11170(b)(1), Penal Code.

31-503 CHILD SUPPORT REFERRAL REQUIREMENTS 31-503

- .1 For a child receiving AFDC-FC in accordance with Welfare and Institutions Code Section 11400, the social worker shall determine whether it is in the child's best interest to make a referral to the local child support agency.
 - .11 In making this determination, the social worker shall evaluate each case on an individual basis considering the best interests of the child and the circumstances of the family, which may include but are not necessarily limited to, the parent(s)' employment status, housing status, the impact on other children who may be at risk of removal, availability of community-based services, efforts to reunify, whether parental rights have been terminated, connection with CalWORKs or other public assistance programs.
 - .111 If the child's case plan goal is family reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise:
 - (a) The parent's ability to meet the requirements of the reunification plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk of removal.

31-503	CHILD SUPPORT REFERRAL REQUIREMENTS	31-503
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(Continued)

- .112 If the child's case plan goal is other than reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to a successful outcome of the case plan in that the payment of support will compromise:
 - (a) The parent's ability to meet the requirements of the case plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk or removal.
- .2 If the social worker determines it is in the best interest of the child not to refer the parent(s) to the local child support agency, the social worker shall forward his or her determination to the appropriate county eligibility worker for appropriate action.
- .21 The social worker shall review this decision following each court hearing held under Welfare and Institutions Code Section 361.5.
 - .211 If reunification services are terminated by the court, and the social worker determines that it is no longer contrary to the child's best interest, the social worker shall inform the appropriate county eligibility worker to refer the child's case to the local child support agency.
- .3 The social worker shall document in the child's case file the determination of whether it is in the best interest of the child to refer the child's case to the local child support agency and the basis for this determination.
- .4 When a determination has been made that it is not contrary to the best interest of the child to refer the child's case to the local child support agency, the social worker shall notice the parent that the parent has access to the grievance procedures set forth in MPP Section 31-020, provided the parent appeals the agency's decision in writing within 5 working days of their receipt of the notice.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 17552 Family Code. Reference: Section 17552, Family Code.

31-505	OUT-OF-COUNTY PLACEMENTS	31-505
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- .1 Out-of-county placements shall be subject to the provisions of Welfare and Institutions Code Sections 361.2(c) and (d).

31-505	OUT-OF-COUNTY PLACEMENTS (Continued)	31-505
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HANDBOOK BEGINS HERE

- .11 These statutes provide that children shall be placed in their parents' or guardians' county of residence unless they are placed with relatives or there is no suitable placement in such county, and provide for a notification process to parent(s) or guardian(s).

HANDBOOK ENDS HERE

- .12 Under such circumstances, the following requirements shall be met:
- .121 The sending county shall be responsible for providing direct supervision and services or arranging for the provision of supervision and services by the receiving county in accordance with Section 31-505.123.
 - (a) The sending county shall specify in the case plan how the service needs of the child, including social worker visitation/contact requirements, are to be met while the child is placed out-of-county.
 - .122 The sending county shall be responsible for services to the child's parent(s)/guardian(s) and continued case plan updates.
 - .123 If the receiving county accepts responsibility for providing supervision and services, the following requirements shall be met:
 - (a) A written agreement shall be executed between the receiving and sending counties which specifies the respective responsibilities of each county.
 - (b) The receiving county shall provide periodic written reports to the sending county on the child's condition and progress in order to facilitate required case plan updates.
 - (c) The receiving county shall concur that the proposed placement meets the child's needs.
 - (d) The sending county shall provide consultation and advice on the case, as needed.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 361.2(c) and (d), Welfare and Institutions Code.

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11165.10. Commercial film and photographic print processor

As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.

11165.11. Licensing agency

As used in this article, "licensing agency" means the State Department of Social Services office responsible for the licensing and enforcement of the California Community Care Facilities Act [Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code], the California Child Day Care Act [Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code], and [Chapter 3.5 (commencing with Section 1596.90) of Division 2 of the Health and Safety Code], or the county licensing agency which has contracted with the state for performance of those duties.

11165.12. Unfounded report; substantiated report; unsubstantiated report

As used in this article, the following definitions shall control:

- (a) "Unfounded report" means a report which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse, as defined in Section 11165.6.
- (b) "Substantiated report" means a report which is determined by a child protective agency investigator, based upon some credible evidence, to constitute child abuse or neglect, as defined in Section 11165.6.
- (c) "Unsubstantiated report" means a report which is determined by a child protective agency investigator not to be unfounded, but in which the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined in Section 11165.6, has occurred.

11165.13. Maternal substance abuse; positive toxicology screen at time of delivery; basis for reporting child abuse or neglect; assessment of needs

For purposes of this article, a positive toxicology screen at the time of the delivery of an infant is not in and of itself a sufficient basis for reporting child abuse or neglect. However, any indication of maternal substance abuse

shall lead to an assessment of the needs of the mother and child pursuant to Section 123605 of the Health and Safety Code. If other factors are present that indicate risk to a child, then a report shall be made. However, a report based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse shall be made only to county welfare departments and not to law enforcement agencies.

11165.14. Abuse of a pupil at a schoolsite; investigation of complaint; transmission of substantiated report

The local child protective agency shall investigate a child abuse complaint filed by a parent or guardian of a pupil with a school or a local child protective agency against a school employee or other person that commits an act of child abuse, as defined in this article, against a pupil at a schoolsite and shall transmit a substantiated report, as defined in Section 11165.12, of that investigation to the governing board of the appropriate district or county office of education. A substantiated report received by a governing board of a school district or county office of education shall be subject to the provisions of Section 44031 of the Education Code.

11166. Report; duty; time

- (a) Except as provided in subdivision (b), any child care custodian, health practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. A child protective agency shall be notified and a report shall be prepared and sent even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy. For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate in his or her training and experience, to suspect child abuse. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute the basis of reasonable suspicion of sexual abuse.
- (b) Any child care custodian, health practitioner, or employee of a child protective agency who has knowledge of or who reasonably suspects that mental suffering has been inflicted on a child or his or her emotional well-being is endangered in any other way, may report such known or suspected instance of child abuse to a child protective agency.